

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MARY S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 5:21-CV-1221  
(CFH)

**APPEARANCES:**

Law Offices of Kenneth Hiller, PLLC  
6000 North Bailey Avenue – Suite 1A  
Amherst, New York 14226  
Attorneys for plaintiff

Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235  
Attorneys for defendant

Social Security Administration  
J.F.K. Federal Building,  
15 New Sudbury Street, Room 625  
Boston, Massachusetts 02203  
Attorney for defendant

**OF COUNSEL:**

JUSTIN M. GOLDSTEIN, ESQ.  
KENNETH R. HILLER, ESQ.

AMANDA J. LOCKSHIN, ESQ.  
LUIS PERE, ESQ.

KEVIN MICHAEL PARRINGTON, ESQ.

**CHRISTIAN F. HUMMEL  
U.S. MAGISTRATE JUDGE**

**ORDER<sup>1</sup>**

Presently before the Court in this action, in which plaintiff seeks judicial review of an adverse administrative determination by the Acting Commissioner of Social Security

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<sup>1</sup> Parties consented to direct review of this matter by a Magistrate Judge pursuant to 28 U.S.C. § 636(c), FED. R. CIV. P. 73, N.D.N.Y. Local Rule 72.2(b), and General Order 18. See Dkt. No. 5.

pursuant to 42 U.S.C. § 405(g), are cross-motions for judgment on the pleadings.<sup>2</sup> Oral argument was conducted on these motions in a telephone conference on March 8, 2023. A court reporter was present for that conference. At the close of argument, I issued a bench decision in which, after applying the requisite deferential standard of review, I found that the Acting Commissioner's determination resulted from the application of proper legal principles and was supported by substantial evidence. In that decision, I provided further detail regarding my reasoning and addressed the specific issues raised by plaintiff on appeal.

After due deliberation, and based on the Court's oral bench decision—which has been transcribed, attached to this Order, and is incorporated herein by reference—it is hereby

**ORDERED**, as follows:

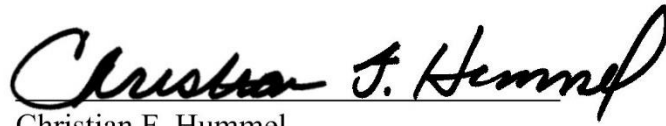
1. Defendant's motion for judgment on the pleadings (Dkt. No. 16) is **GRANTED**;
2. Plaintiff's motion for judgment on the pleadings (Dkt. No. 15) is **DENIED**;
3. The Acting Commissioner's determination that plaintiff was not disabled at the relevant times, and thus, not entitled to benefits under the Social Security Act, is **AFFIRMED**; and
4. The Clerk of the Court of directed to enter judgment dismissing plaintiff's complaint (Dkt. No. 1) in its entirety.

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<sup>2</sup> This matter, which is before me on consent of the parties, pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order, once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

Dated: March 15, 2023  
Albany, New York

A handwritten signature in black ink, reading "Christian F. Hummel". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Christian F. Hummel  
U.S. Magistrate Judge

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